

### Remarks

Applicants appreciate the Examiner's withdrawal of the rejections previously outstanding. However, a rejection under nonstatutory double patenting is newly raised in the Office Action. Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

#### A. The Double Patenting Rejection Should Be Withdrawn

On page 3 of the Office Action, claims 1, 15, 19 and 30 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 10 of the U.S. Patent No. 7,034,052. Applicants respectfully point out that this rejection is improper because the instant application has an earlier priority date (December 21, 1999) than the cited reference (March 12, 2003). Therefore, the nonstatutory obviousness-type double patenting rejection is not warranted here because no "unjustified or improper timewise extension of the right to exclude" will result from the issuance of this application. (See *Manual of Patent Examining Procedure* § 804 II.B). Be that as it may, Applicants herein submit a terminal disclaimer solely to expedite the prosecution of this application. In view of this terminal disclaimer, Applicants respectfully request that the rejection be withdrawn.

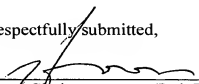
### Conclusion

In view of the foregoing, Applicants respectfully submit that all of the pending claims are allowable, and thus, request that the rejection of the claims be withdrawn.

No fee is believed due for the submission of this paper. If any fees are required for the submission of this paper, or to avoid abandonment of this application, please charge such fees to Jones Day Deposit Account No. 503013.

Date: August 27, 2007

Respectfully submitted,

  
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